

Regular Session, 2010

HOUSE BILL NO. 1487 (Substitute for House Bill No. 1128 by Representative Leger)

BY REPRESENTATIVE LEGER

SCHOOLS/CHARTER: Provides relative to charter schools

1 AN ACT

2 To amend and reenact R.S.17:3981(4), 3982(A)(1)(a), 3983(A)(3)(c), and 3991(B)(14) and
3 to enact R.S. 3991(B)(24) and 3996(B)(24) and (25), relative to charter schools; to
4 provide relative to the duties and responsibilities of the State Board of Elementary
5 and Secondary Education when reviewing and approving a proposed charter; to
6 provide relative to the duties and responsibilities of a local school board when
7 reviewing and approving a proposed charter; to provide relative to charter
8 requirements; to provide relative to certain exemptions granted charter schools from
9 statutory mandates or other statutory requirements that are applicable to public
10 schools; to provide effective dates; and to provide for related matters.

11 Be it enacted by the Legislature of Louisiana:

12 Section 1. R.S.17:3981(4) is hereby amended and reenacted to read as follows:

13 §3981. State Board of Elementary and Secondary Education; powers and duties
14 relative to charter schools

15 The State Board of Elementary and Secondary Education shall:

16 * * *

17 (4) Review each proposed charter in a timely manner and in the order in
18 which submitted and determine whether each proposed charter complies with the law
19 and rules and whether the proposal is valid, complete, financially well-structured,
20 educationally sound, whether it provides for a master plan for improving behavior

and discipline in accordance with R.S. 17:252, whether it provides a plan for collecting data in accordance with R.S. 17:3911, and whether it offers potential for fulfilling the purposes of this Chapter. The board shall engage in an application review process that complies with the latest Principles and Standards for Quality Charter School Authorizing, as promulgated by the National Association of Charter School Authorizers, and shall provide for an independent evaluation of the charter proposal by a third party with educational, organizational, legal, and financial expertise.

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Section 2. R.S. 17:3982(A)(1)(a), 3983(A)(3)(c), and 3991(B)(14) are hereby amended and reenacted and R.S. 17:3991(B)(24) and 3996(B)(24) and (25) are hereby enacted to read as follows:

§3982. Local school boards; duties

A.(1)(a) Local school boards shall comply with R.S. 17:3983 and shall review and formally act upon each proposed charter within thirty days of its submission and in the order in which submitted. In doing such review, the local school board shall determine whether each proposed charter complies with the law and rules, whether the proposal is valid, complete, financially well-structured, and educationally sound, whether it provides for a master plan for improving behavior and discipline in accordance with R.S. 17:252, whether it provides a plan for collecting data in accordance with R.S. 17:3911, and whether it offers potential for fulfilling the purposes of this Chapter. The local board shall engage in an application review process that complies with the latest Principles and Standards for Quality Charter School Authorizing, as promulgated by the National Association of Charter School Authorizers, and shall provide for an independent evaluation of the charter proposal by a third party with educational, organizational, legal, and financial expertise.

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§3983. Chartering process by type; eligibility; limitations; faculty approval; parental approval

A.

* * *

(3)

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(c) Each proposal received by the state board shall be carefully reviewed and shall be approved only after there has been a specific determination by the board that the proposed school will be operated in compliance with all applicable state and federal laws, rules, and regulations, that the accounting and financial practices to be used are sound and in accordance with generally accepted standards for similar entities, and that the educational program to be offered will comply with all requirements of this Chapter and be based on generally accepted education research findings applicable to the pupils to be served, including but not limited to school discipline practices and policies that incorporate positive behavior interventions and supports, restorative justice, and other research-based discipline practices and classroom management strategies and otherwise conform to the model master discipline plan required in accordance with R.S. 17:252.

* * *

§3991. Charter schools; requirements; limitations; renewal; amendment; revocation

* * *

B. Each proposed charter shall contain or make provision for the following:

* * *

(14) School rules and regulations applicable to pupils including disciplinary policies and procedures that incorporate research-based discipline programs, such as positive behavioral interventions and supports and restorative justice principles in accordance with R.S. 17:252.

* * *

1 (24) A plan for collecting data in accordance with R.S. 17:3911.

2 * * *

3 §3996. Charter schools; exemptions

4 * * *

5 B. Notwithstanding any state law, rule, or regulation to the contrary and
6 except as may be otherwise specifically provided for in an approved charter, a
7 charter school established and operated in accordance with the provisions of this
8 Chapter and its approved charter and the school's officers and employees shall be
9 exempt from all statutory mandates or other statutory requirements that are
10 applicable to public schools and to public school officers and employees except for
11 the following laws otherwise applicable to public schools with the same grades:

12 * * *

13 (24) School master plans for supporting student behavior and discipline, R.S.
14 17:252.

15 (25) Data collection system, R.S. 17:3911.

16 * * *

17 Section 3.(A) This Section and Section 1 of this Act shall become effective upon
18 signature of this Act by the governor or, if not signed by the governor, upon expiration of
19 the time for bills to become law without signature by the governor, as provided by Article
20 III, Section 18 of the Constitution of Louisiana. If this Act is vetoed by the governor and
21 subsequently approved by the legislature, this Section and Section 1 of this Act shall become
22 effective on the day following such approval.

23 (B) The provisions of Section 2 of this Act shall become effective January 1, 2011.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

Leger

HB No. 1487

Abstract: Relative to charter schools, requires that a proposed charter be reviewed to determine whether it provides for a master plan for improving behavior and discipline and whether it provides for a plan for collecting certain data relative to

school operations and performance. Provides that a charter proposal received by BESE shall be approved only after a determination that the educational program to be offered is based on generally accepted education research findings applicable to the pupils to be served, including certain school discipline practices and policies. Requires a charter proposal to contain or make provisions for school rules and regulations applicable to pupils, including certain disciplinary policies and procedures, as well as a plan for collecting certain data relative to school operations and performance. Provides that a charter school shall not be exempt from specified state laws relative to student behavior and discipline and relative to the collection of certain data on school operations and performance.

Present law (R.S. 17:3981(4)) requires the State Board of Elementary and Secondary Education (BESE) to review in a timely manner each charter school proposal submitted to it (in the order submitted) and determine whether the proposal complies with applicable laws and rules, whether the proposal is valid, complete, financially well-structured, and educationally sound, and whether it offers potential for fulfilling the purposes of the Charter School Demonstration Programs Law. Requires the board to engage in an application review process that complies with the latest Principles and Standards for Quality Charter School Authorizing (promulgated by the National Association of Charter School Authorizers). Also requires BESE to provide for an independent evaluation of the charter proposal by a third party with educational, organizational, legal, and financial expertise.

Proposed law retains present law. Additionally requires BESE to determine if the charter proposal provides for a master plan for improving behavior and discipline as provided by R.S. 17:252 and whether it provides a plan for collecting certain data relative to school operations and performance as provided by R.S. 17:3911.

Present law (R.S. 17:3982(A)(1)(a)) requires local school boards to comply with specified law relative to the chartering process (R.S. 17:3983) and to review and act upon proposed charters within 30 days of submission and in the order in which submitted. Provides that the local board shall determine whether each proposal complies with applicable laws and rules, whether the proposal is valid, complete, financially well-structured, and educationally sound, and whether it offers potential for fulfilling the purposes of the Charter School Demonstration Programs Law.

Proposed law retains present law. Additionally requires a local school board to determine if the charter proposal provides for a master plan for improving behavior and discipline as provided by R.S. 17:252 and whether it provides a plan for collecting certain data relative to school operations and performance as provided by R.S. 17:3911.

Present law (R.S. 17:3983(A)(3)(c)) provides that each charter school proposal received by BESE shall be carefully reviewed and shall be approved only after there has been a specific determination by the board that the proposed school will be operated in compliance with all applicable state and federal laws, rules, and regulations, that the accounting and financial practices to be used are sound and in accordance with generally accepted standards for similar entities, and that the educational program offered will comply with all requirements of the Charter School Demonstration Programs Law and be based on generally accepted education research findings applicable to the pupils to be served.

Proposed law retains present law. Relative to the educational program offered being based on generally accepted education research findings applicable to the pupils to be served, proposed law additionally provides that this shall include but not be limited to school discipline practices and policies that incorporate positive behavior interventions and supports, restorative justice, and other research-based discipline practices and classroom management strategies and otherwise conform to the model master discipline plan provided by R.S. 17:252.

Present law (R.S. 17:3991(B)(14)) provides that each proposed charter shall contain or make provision for school rules and regulations applicable to pupils including disciplinary policies and procedures.

Proposed law retains present law except to specify that the disciplinary policies and procedures must incorporate research-based discipline programs such as positive behavioral interventions and supports and restorative justice principles in accordance with R.S. 17:252.

Proposed law (R.S. 17:3991(B)(24)) additionally provides that each proposed charter shall contain or make provision for a plan for collecting data as provided by R.S. 17:3911 relative to school operations and performance.

Present law (R.S. 17:3996(B)(1) through (23)) lists certain statutory provisions applicable to public schools from which a charter school is not exempt.

Proposed law (R.S. 17:3996(B)(24) and (25)) adds to this list R.S. 17:252 (relative to school master plans for supporting student behavior and discipline) and R.S. 17:3911 (relative to data collections systems for reporting on school operations and performance).

Effective in part upon signature of governor or lapse of time for gubernatorial action.
Effective in part Jan. 1, 2011.

(Amends R.S. 17:3981(4), 3982(A)(1)(a), 3983(A)(3)(c), and 3991(B)(14); Adds R.S. 17:3991(B)(24) and 3996(B)(24) and (25))